

FISCAL NOTE
SB 2425 - HB 3149

February 9, 2000

SUMMARY OF BILL: Empowers school attendance officers, sheriffs, and police officers to take into custody, without warrant or subsequent legal proceedings, any child who is subject to compulsory full-time education and who is found, during school hours, in a public place, public place of business, or public or private vehicle. The custody provisions of the bill would not apply to children with valid excuses for not being in school, and those accompanied by a parent, guardian, or 18-year old relative.

Requires an officer who takes custody of a child to immediately deliver that child to:

1. The child's parent, guardian, or person having custody of that child, if the child is not enrolled in any school;
2. The principal of the school in which the child is enrolled; or
3. The school division's truancy center.

Law enforcement and attendance officers who, in good faith and within the scope of their employment, pick up or deliver any child found to be a truant, will be provided immunity from civil liability. Immunity would not be provided, however, in cases of an officer's gross negligence or willful misconduct.

Present law requires that children between and including the ages of 6 and 17 attend public or non-public school (includes home school).

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Expenditures - Not Significant

The bill clarifies authority of law enforcement personnel as to the taking of truant children into temporary custody. Any additional expense involved with implementing the bill by local authorities is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James A. Davenport". The signature is written in a cursive style with a large, stylized initial "J".

James A. Davenport, Executive Director